

DRAFT MINUTES
CHARLOTTE COUNTY MARINE ADVISORY COMMITTEE
Thursday, May 8, 2014, 9:30 a.m.
Charlotte County Administration Center
18500 Murdock Circle, Room 119, Port Charlotte, FL 33948

I. Call To Order and Pledge of Allegiance

II. Roll Call

III. Chairman's comments

A. REMINDER TO ALL VISITORS ADDRESSING THE COMMITTEE: PLEASE SIGN IN. It is helpful when preparing the Minutes. A clipboard and a pen are provided on the podium for your convenience.

B. REMINDER TO ALL MEMBERS STATE THEIR NAME AND ORGANIZATION and TO USE THE MICROPHONE WHEN ADDRESSING THE COMMITTEE. It is helpful when preparing the Minutes

IV. Changes to the Agenda

None offered.

V. Citizen Comments on Agenda Items

None offered.

VI. Commissioner Comments

Commissioner Deutsch noted that he had spoken to Waterline editor Lee Anderson, though he had not seen today's edition. He also described a call from a constituent who had seen an article in the supplement and had questions about it; the Commissioner indicated he had spoken to the editor regarding boating safety and the need for education on the subject but indicated he had not commented on the pole issue which this constituent was opposed to. The Commissioner also noted that in terms of signage to assist with boating safety, he did not believe there were sufficient funds to create all the signage that might be required to indicate things like blind corners, etc.

Mr. Harris indicated that pole and troll is a separate issue from boater safety. Pole and troll is primarily to protect the seagrass; he believes that it will eventually happen, but just wanted to distinguish that from the safety issue. Ms. Bareither mentioned that, as an observer for the area in question, it has been an on-going problem in that spot; because there are fishermen who are familiar with the area, they often exceed what is a safe speed, along with others that speed. The Commissioner responded that he understood fishing to be a relaxing way to spend time, so it puzzled him why people were in such a hurry to get to the spot in order to relax.

Capt. Blago, speaking from a historical perspective, said that the Committee had addressed the pole and troll situation as a result of Lee County having to put in such areas due to their manatee protection plan. At this same time, the effort was made to get Charlotte County up to speed, through working with DEP and holding public

hearings; the general public was definitely opposed to additional regulations, and this remains a 'powder keg' issue in the boating community. Commissioner Deutsch responded that he was more inclined to education on boater safety rather than regulations, unless an environmental issue was involved.

Mr. Ireland agreed with Mr. Harris that there are two separate issues, the safety issue and then there is the environmental issue that pole and troll seems to address.

VII. Regular Business

- A. Approval of the Minutes of the Pre-Agenda Meeting from May 1, 2014 – Additions, Corrections or Deletions. – Motion by Mr. ? that the minutes be approved as circulated; second by Mr. Dye and unanimously approved.
- B. Approval of the Minutes of the Regular Meeting from April 10, 2014 – Additions, Corrections or Deletions. Motion by Mr. ? that the minutes be approved as circulated; second by Mr. ? and unanimously approved.
- C. MSBU Update

Mr. Mopps spoke first to the issue of the pole and troll zone, noting that the only one he knew about was one the state recommended as part of the WCIND permit that would allow for new dredging of canals, particularly in Lemon Bay, where there are currently no MSBUs. The zone would have offset the impacts of the seagrasses that would be impacted by that dredging; it would only have been on the inside of Stump Pass. This is an area that is already quite impacted; it is a state-owned area. Further discussion ensued on this matter, with Mr. Mopps making the point that the matter had been briefed here and also at the stakeholder meeting in April and in both cases not one person had an issue about it.

With regard to the information presented in his update, he noted there were no significant changes from the report. Army Corps for some reason wants to tie the six foot dredge to the maintenance dredge for Alligator Creek; they also want to send the project to National Marine Fisheries for review, which he characterized as 'the biggest fight we've been having' with the federal authorities. He has done research on the matter in order to sort through this issue, particularly that critical habitat does not include maintained waterways that have a previous federal authorization (which they all do) and have been maintained to greater than negative three feet mean low water. He gave some further detail on his efforts in this matter, and the delays that were being experienced in this permitting process.

With regard to Buena Vista Waterway, Mr. Mopps noted that the engineering firm has done the bathymetric surveys to continue that maintenance program. Gulf Cove Waterway is another where it is important that it does not fall outside that negative three feet mean low water, which the established maintenance program helps ensure; the scope of work is being defined at this time.

In Harbour Heights, Mr. Mopps noted we are using the same tactic as just described to show that the outside areas that don't fall within the county-wide permit is only about 250 cubic yards. Manchester is going before the Commission for approval of the awarding of the contract on May 27th. Hopefully, the pre-construction conference with the contractor will take place that same week. The same contractor, Marine Contracting Group, is in liquidated damages with regard to Northwest Port Charlotte; they are doing everything they can to facilitate closing down that project but they have about another week to two weeks.

With regard to Pirate Harbor, that has gone before the Board and was favorably received. In South Gulf Cove, staff is in consultation with the Parks people from the state, because one of their properties would be used to locate the raw material; the property is in Placida so it is closer for trucking, reducing the overall cost to the citizens. Parks is now asking for additional work and Mr. Mopps said the point is being made that if it costs more to have that done, he will remove the material to the landfill instead. As for Stump Pass, the final information has gone to Coastal Engineering from our Natural Resources staff; it should go out shortly.

Mr. Mopps then took questions; Commissioner Deutsch asked if the state had responded yet on Stump Pass, and Mr. Mopps indicated they had not other than at the lower staff level to indicate general agreement with the County's request and to pass it on to their directors. County staff is going forward based on the directions of Bob Brantley; in order to adhere to the required timeline, they are going to submit their permit request now. Further discussion ensued, and Commissioner Deutsch suggested that the Commission may be able to assist by writing a letter on the subject; Mr. Mopps suggested that Mr. Poff could draft a letter for the Commission to review and send. Capt. Blago asked for more information on the liquidated damages issue, and Mr. Mopps explained in detail. Ms. Buck asked for more detail about Alligator Creek, which was provided.

Mr. Buckley raised an issue regarding a cut-through from the Isles section over into Alligator Creek; Mr. Hans Wilson of Cape Coral sent a letter in indicating his concern over the permitting process and suggesting that there is another, overall maintenance dredging permit that acts a blanket permit. Mr. Mopps indicated he was aware of that, and had obtained one in 2003 that was later modified; it was a ten-year permit covering all of the upland canals. Further discussion ensued on the relation of the governing administrative law to this permit, and more of Mr. Wilson's concerns. It turned out that the issue concerns a City project rather than a County project. Some further discussion ensued based on questions posed by Commissioner Deutsch. Mr. Gertner commented on the 2300 foot dredging for which a permit is being sought, noting that will be new dredging in the aquatic preserve and likely will be a long process; he said the channel had never been dredged. He felt there was a faction in the community that supported dredging because they don't understand boating, and that the channel had been used without issue since the 1950s due to the maintenance dredging which had been done. Further discussion ensued on points related to this specific project and dredging in the county in general.

Mr. Harris asked about the information in the Stump Pass section of the report about an additional stakeholders meeting; it was just an error in the document that it was included – the meeting referenced had taken place and did not need to be rescheduled. Mr. Harris further commented for the benefit of new members, regarding the timelines of projects in general, noting that the permitting timeline is often twice as long as the engineering and construction; he also commented favorably on the pole and troll zones in Lee County.

VIII. New Business

A. Open Positions on the Committee

Mr. Ireland noted this matter would not be discussed today, since the County Attorney's office had heard from the Commission that they would review the matter and take it up at their May 13th meeting. In particular, they are looking at the membership issues, whether any changes to the organization that they might

contemplate would impact on the selection of members and things of that nature. Mr. Harris noted that there were several applications which had been submitted, one of which he noted was from a spear-fishing organization; but he noted that there is no spear-fishing (scuba diving) organization in Charlotte County, and that adding one would require increases the overall membership, unless he would be a member-at-large. Commissioner Deutsch commented on the current status of this matter. He stated that MAC was the largest of the county committees; he also noted that the rules allowed for a representative of the scuba-diving interests to come onboard in a member-at-large capacity. The Commissioner said that his inclination was to rely heavily on existing membership in reviewing new applicants. He also commented on adding seats for specific groups such as scuba divers or kayakers, asking if the group would work as well if there were 30 members instead.

Capt. Blago spoke from a historical perspective, noting this issue has come up before; he remembered when Commissioner Loftus, who was also on this committee, had proposed to shrink the committee to five members, to be similar to the other advisory committees – the Commissioners decided to expand the membership instead. He noted that the majority of the members were representatives of specific organizations, and suggested that one route was for interested parties to join one of those organizations and then work to become that organization's representative on MAC. Mr. Buckley spoke next, in support of Capt. Blago's comments. Mr. Ireland suggested that the group would simply have to await further word from the Commission. Mr. Harris noted that one member-at-large position will be opening up at the end of 2014; he also asked about the replacement for Mr. Quinn and was assured by Mr. Ireland that the application had been received for that person.

B. Update of Bay Heights Project (moved up on the agenda)

Roger Warner from Facilities spoke on the submittal of the project request, the meetings with DEP and anticipated issuance of the permit within 30 days, at which point they will complete the construction documents and will begin stormwater permitting. Capt. Blago asked regarding this long-standing project, what it is the County intends to do with that property; is it going to have a boat ramp, or parking, will it be a park or a playground? Mr. Warner said the plan was one which was brought to the group and approved by the Commission about 18 months ago, for a boat ramp, canoe launch, passive park with a pavilion and a restroom. This was a compromise, to try to meet the various citizen preferences. Capt. Blago asked for specifics on the boat ramp; what size boats will be accommodated, how many parking spaces will there be, etc. Mr. Warner responded that there would be 20 trailer parking spots with a single ramp, with the same draft as other ramps in the County. Capt. Blago observed that the project is now back to the original proposal from eight years ago; Commissioner Deutsch noted that in the new version, the trees were being preserved. Further comment on this subject ensued, including Mr. Harris's remarks on the costs associated with the projects, and the fact that the Committee advised against having a boat ramp there. Questions were raised as to proposed traffic calming measures for what was considered a dangerous entrance / exit situation there.

- C. DEP Representative Mary McMurray presenting information on the oyster restoration program in the Peace River. Ms. McMurray spoke about the research that preceded the project, and provided some of the statistics resulting from that research, with emphasis on the decline of oyster reefs locally and worldwide, and the impact of that decline on stabilization of the shorelines, filtering of the water and provision of

habitat for fish and other species. These resources are also important for recreation and commercial interests. This project is a first for the Charlotte Harbor area, and has been initiated outside the aquatic preserve in order to ensure that it is successful before going to a permitting situation. Please see the attached PowerPoint attachment for Ms. McMurray's complete presentation. She noted that the mats shown in the presentation would be deployed at the end of July / beginning of August, and many volunteers will be needed; she expressed her interest in signing up committee members to assist. There will also be monitoring afterwards, as well as documentation of birds feeding and other habitat usage.

Ms. McMurray invited questions from the group; Mr. Hoffman asked if these mats would be seeded or if the oysters would just naturally arrive and Ms. McMurray responded they will come naturally as larvae. Ms. Buck asked where the idea of the mats came from and Ms. McMurray gave a brief history of the initiative. Commissioner Deutsch also noted that there should be water quality improvement as a result of the project. The question was also raised whether this project signalled any change in DEP's longstanding opposition to artificial reef structures; Ms. McMurray said it did not; she distinguished the way in which the mats difference from artificial reef structures. Mr. Harris commented on the impact on projects that run into the small tooth sawfish; further discussion ensued on the difficulty of getting the projects going in the aquatic preserve. Funding sources were also discussed.

D. Boat ramps and parking meters

Responding to Mr. Ireland's request, Mr. Stevens provided an update on the subject, noting that the parking meters are tied to an IT network which had been problematic for a period around the Easter holiday, an issue which he believes is now settled. Mr. Ireland asked if it was the case that not all ramps had active parking meters, which Mr. Stevens confirmed was the case and offered to provide a copy of the evaluation report on the income generation from these meters. Mr. Hoffman noted he had raised the issue because he felt it was unfair for the boater that they had to pay to park, but people who go to the adjoining park don't pay; he felt they should be abolished. Mr. Stevens noted that parking meter income does go back into the boat ramp maintenance; he also said that he has heard the same complaint from others. Capt. Blago also commented on the installation of meters and said he felt they were causing the county to lose money at the boat ramps, taking into consideration the cost of meters, paying people to pick up the money, and for enforcement – all this in addition to the loss of goodwill in the community. He noted that Sarasota County does not charge for parking at the boat ramps. He directly asked if there had been any accounting of whether the meters made money over and above the costs to have them.

Mr. Ireland indicated that David Johnston of Fiscal could speak to that issue; Mr. Johnston recounted his recent research on this matter and said that over one 18-month period there was about a \$20,000 expense over the period compared to an income stream of about \$250,000 over the course of a year. This money can be put back into maintenance, rather than paying for that out of tax revenue. Mr. Hoffman asked if that calculation including staff costs for sheriff's personnel, noting that they are writing the tickets. Mr. Johnston indicated that ticket fines do not come into the calculation nor do the labor costs to write the tickets that generate those fines. Capt. Blago challenged the analysis since it included the very popular beach parking lots; he felt the analysis should be limited to boat ramp expenses and income. Further discussion ensued on this aspect, including Mr. Ireland's request that a

report be submitted; Mr. Johnston said that would be the report from three years ago, rather than a new report. Mr. Hoffman renewed his point that the negative impact of the meters "running people off" far outweighed the relatively small income that the meters represented. Commissioner Deutsch indicated he would look into a solution that would involve leaving the meters at the two beach parking lots and removing them from all the boat ramps.

?Capt. Blago indicated he didn't want to raise the issue, but felt compelled to note that there are some boat ramps where the meters should stay; he indicated that the Placida boat ramp was the original beginning of the boat ramp meters, when workers on Boca Grande would take the spaces for their cars, and several workers going over the bridge in a single car, paying a single toll. Complaints resulted, with the result that meters were installed in that lot. He felt that meters were appropriate at that location and should remain there, or any place where parking is at a premium. Further discussion ensued on the possible options in this situation. Ms. Buck noted that in east Charlotte County which is served by Hathaway Park, where meters are definitely not required; she agreed with keeping them at the more popular and crowded lots. Mr. Ireland indicated that the subject could be revisited once the Commissioner had the results of his own investigation.

IX. Old Business

A. Review of pump-out boat activity report.

Mr. Ireland indicated this is scheduled for the June meeting, to include looking at its operation, where it is scheduled to be and how many people run the operation and what the expenses and benefits are.

X. Other Business

A. Comments about the offshore races were offered by Mr. Stevens, who indicated he spent two days out there, along with Roger DeBruler. He felt that overall it was a positive event. He spoke to the issue of impacts on local sealife, some of which impacted the race as boats waited for the animals to leave the area. It was determined that the floating docks were not required or even desired by the race participants, so that worked out well. The 70 ton crane seemed to be overkill based on the actual weight of vessels involved. He felt the whole event went well.

Mr. Ireland said he had received one comment that the distance between the racing venue and the parade was too great; Mr. Stevens complimented the drivers of the boat trailers and their expertise. Ms. Buck said she had been told that everything would be in Englewood next year, no activities in Punta Gorda; Mr. Stevens responded that he had not heard that, and it was agreed that Mr. York would be able to speak to that possibility.

B. Budget year-end reporting updates.

Mr. Johnston indicated this was in process now, closing down old projects and moving the activity into current projects. Once this is completed, then they will measure the carry-over; this will probably be accomplished in the next two-three months. Mr. Ireland asked if this could be presented in September, since the Committee does not meet in July or August, and Mr. Johnston agreed that would work.

- C. Mr. Ireland asked if there would be a pump-out boat activity report today; Mr. Buckley responded that at yesterday's City Council meeting, a report was given which indicated that it had pumped in excess of the previous report. The conclusion was that it was being used more, that more boats have used the service as they become aware of it. The Boaters Alliance has hired a new webmaster who will be updating the information on the site, but of course, during the season just passed there was very little recognition that the service existed.

Mr. Ireland asked who the Committee would look to for a regular activity report; Mr. Buckley said that they could do it. Mr. Ireland asked if Rusty from West Marina would be the person to do it, but Mr. Buckley indicated that as dockmaster, his time was already fully committed, so it would need to be Herman Novak or someone from the Alliance. Mr. Harris suggested leaving the subject until the June meeting. Mr. Buckley reminded the group not to lose sight of the underlying Clean Vessel Act, which has requirements and regulation that cannot be changed locally. They provide 75% of operation and maintenance; the local government has to come up with the remaining 25%. Mr. Buckley indicated he thought it was sufficient to request a copy of the report that the boat would be filing with Tallahassee; he noted that while the Committee could decline to fund the 25%, they could not tell the boat operators what to do. Further discussion ensued on the question of whether the pump out boat activities were connected with the mooring field, which doesn't get used, and what the options might be, including the recommendation originally made by Mr. Rose, which he recapped for the Committee, that the pump out support for the marina is paid for out of marina fees and that MAC would reimburse for the fuel and cost of doing the general pump-outs on the Harbor.

XI. Citizen Comments

None offered.

XII. Good of the Order

- Mr. Meckenberg gave an update on National Safe Boating Week (May 17th – 23rd) and activities to be expected, including the issuance of a proclamation by the Commission, as happened in the past. He said he had spoken to the Administration office about issuing a new proclamation and that had been added to the agenda for the May 13th Commission meeting. Some discussion ensued regarding the mechanics of the proclamation process.

XIII. Next Meetings

- The next **Pre-Agenda Meeting** will be held Thursday, June 5, 2014 at 9.30 a.m. Room B-106. Mr. Ireland noted that there has been increase in attendance.
- The next **Regular Meeting** will be held Thursday, June 12, 2014 at 9:30 a.m. in Room 119

XIV. Adjournment

On motion made, the meeting was adjourned at 11:22 a.m.